



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 010-08-06

(FILE NO. 0607/022)

CHANGE OF USE AND FITOUT FOR TATTOO AND BODY PIERCING STUDIO AND ASSOCIATED SIGNAGE, 74 REGENT STREET, REDFERN

I, the Chief Executive Officer of the Redfern-Waterloo Authority as delegate of the Minister Planning under Instrument of Delegation dated 26 October 2005, pursuant to Sections 80 (1) (a) and 80A of the *Environmental Planning & Assessment Act, 1979* and Clause 9A of the *State Environmental Planning Policy (Major Projects) 2005* determine the Development Application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To confirm the details of the application and plans submitted by the applicant, and to ensure that the structure is not altered without approval.
- (2) To comply with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
- (3) To ensure compliance with relevant planning controls.
- (4) To ensure that the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.
- (5) To ensure the demolition and building works are carried out within the required standards, with minimal impact to the locality.
- (6) To ensure that appropriate environmental protection measures are in place.
- (7) To protect the amenity of the local environment, and adjoining residents, businesses and landowners.

Robert Domm
Chief Executive Officer
Redfern-Waterloo Authority

SYDNEY, 20 September

2006

SCHEDULE 1**PART A-TABLE**

Application made by:	Mr Christopher Phillips
Application made to:	Minister for Planning
Development Application:	DA 010-08-06
On land comprising:	Lot 81 DP 3594 74 Regent Street, Redfern
Local Government Area	City of Sydney
For the carrying out of:	Change of use and minor fitout on the ground floor of the existing building for a Tattoo and Body Piercing Studio and associated signage.
Estimated Cost of Works	\$200
Type of development:	Local Development
S.119 Public inquiry held:	No
BCA Building Class:	Class 9b and Class 6
Approval Body / Bodies:	Not Integrated
Determination made on:	20 September 2006
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 010-08-06**Responsibility for other approvals/agreements**

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a Development Application, within 12 months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Chief Executive Officer of the Redfern-Waterloo Authority.

Further Information

If you have any queries regarding this matter, please contact the Planning Manager, Yolanda Gil on 9202 9100.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means the Redfern-Waterloo Authority or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

CEO means the Chief Executive Officer of the Redfern-Waterloo Authority.

Council means the City of Sydney.

DA No. 010-08-06 means the Development Application and supporting documentation submitted by the Applicant on 14 August 2006.

Department means the Department Planning or its successors.

Planning Director means the Planning Director of the Redfern-Waterloo Authority.

Minister means the Minister for Planning.

Regulations mean the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RWA means the Redfern-Waterloo Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Advisory Notes – means advisory information relating to the approved development but do not form a part of this consent.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 010-08-06****PART A—GENERAL CONDITIONS****A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- (1) A change of use and internal fit out of the ground floor of the existing buildings for a Tattoo and Body Piercing Studio.
- (2) Business identification signage on the awning fascia and shop front.
- (3) Hours of operation are to be 10 am to 7 pm, Monday to Saturday.

A2 Development in Accordance with Plans

The development shall be in accordance with Development Application No. 010-08-06 submitted by the Applicant on the 14 August 2006, and in accordance with the following:

Statement of Environmental Effects titled DA Application – Change of Use – 74 Regent Street.			
Drawings prepared by Mr Christopher Phillips being:			
Drawing No.	Revision	Name of Plan	Date
DA 1		Shop Front - Existing Retail Space	14 August 2006
DA 2		Shop Front Materials	14 August 2006
DA 3		Flow of Operations and Layout	14 August 2006
DA 4		Business Identification Signage	14 August 2006
		Shop Front Signage	14 August 2006

and as amended by the following specific conditions:

A3 Works Compliance

All building works shall be constructed in accordance with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

A4 Inconsistency Between Documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A5 *Lapsing of Consent*

In accordance with Section 95(1) of the Act the development consent shall lapse within five years from the date of the consent or in instances where no work is required, the use has commenced within 5 years of the date of the consent.

A6 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98, 98A and 98B of the Regulation.

A7 *Business Identification Signage*

Only two business identifications signs may be placed on the front of the building at 74 Regent Street. They are:

- (a) Sign painted on the existing glass frontage consisting of a business logo and name of 1 sqm in area. This sign cannot be externally illuminated.
- (b) Replace the existing signage on the awing fascia with new signage and being no greater than 30 cm by 5 metres.

The existing signage on the northern section of the awing must be painted over, with the whole awing painted in one colour.

A8 *Skin Penetration Requirements*

The fitout, use and operation of the premises must comply with the requirements of the *Public Health Act 1991* and the *Public Health (Skin Penetration) Regulation 2000*. Guidance for the operation of the approved use must also be sought from the publications of the NSW Health Department.

PART B—CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE AND PRIOR TO THE COMMENCEMENT OF USE

B1 Fitout – Skin Penetration

The fitout of the tattoo and body piercing premises must comply with the requirements of Schedule 2, *Local Government (General) Regulation 2005* and provide for the following:

- (a) The floor of the premises is to be finished with impervious material capable of being easily cleaned.
- (b) A free standing hand basin with soap and hot and cold running water must be provided in each of the treatment rooms.
- (c) A designated cleaning sink (as distinct from the wash hand basin) with hot running water of a least 40° C must be provided to wash equipment and utensils.
- (d) The wall at the rear and sides of the basins must be finished with glazed tiles (where attached to the walls).
- (e) The wall at the rear of the wash hand and cleaning sink must be finished with glazed tiles or other smooth and impervious material and be evenly laid from the floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin.

B2 General Shop Front Fit Out

The shop front glazing must be clear, transparent and untinted and must not be obscured by blinds, curtains or the like.

B3 Registration – Skin Penetration Database

Prior to an Occupation Certificate being issued, the City of Sydney's Health and Building Compliance Unit (Development and Environmental Assessments) are to be notified that the premises is being used as a Tattoo and Body Piercing Studio and the premises will be registered on the Council's Database.

B4 Smoke Alarm System

Prior to an Occupation Certificate being issued, a smoke detector alarm system must be installed and comply with AS 3786. The alarm system must be installed on both the ground and first floor levels of the premises and operate as an integrated system.

B5 Occupation Certificate

An Occupation Certificate must be obtained from a Certifying Authority prior to commencement of occupation for use of the whole or part of the new building. A copy of the certificate shall be submitted to RWA's Planning Section and City of Sydney council.

PART C—CONDITIONS TO BE MET DURING THE USE OF THE PREMISES

C1 *Hours of Operation*

The hours of operation of the Tattoo and Body Piercing Studio shall be restricted to between:

Day	Commencement time	Cessation time
Monday to Saturday	10.00 am	7.00 pm

C2 *Noise*

Noise caused by the approved use including music and other activities must comply with the following criteria:

- (a) The use must not result in the transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1979* to any place of different occupancy.
- (b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave band Centre Frequency (31.5 Hz to 8 Hz inclusive) between the hours of 7.00 am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- (c) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave band Centre Frequency (31.5 Hz to 8Hz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- (d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

C3 *Waste Management*

Waste management measures shall be implemented to ensure that waste is minimised and effectively managed. A Waste Storage area should be identified and all waste confined to that area/s. Waste is to be regularly removed to prevent unsightly, unhealthy and unsafe conditions. In addition:

- (a) The collection of waste and recycling must only occur between 7.00 am and 8.00 pm weekdays and 9.00 am and 8.00 pm weekends and public holidays, to avoid noise disruption to the surrounding area.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

C4 *Sign/Goods in the Public Way*

No signs or goods are to be placed on the footway or roadway adjacent to the property.

C5 *Removal of Graffiti*

The owner/manager of the site must be responsible for the removal of all graffiti from the building with 48 hours of its application.